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E-Filed on October 29, 2009

7 **UNITED STATES BANKRUPTCY COURT**

8 **DISTRICT OF NEVADA**

9 In re: ) Chapter 13  
10 ) Case No. 07-16494-bam  
TOMMY JONES )  
11 NANCY JONES )  
12 Debtor(s). ) DATE: 11/10/09  
TIME: 1:30 p.m.

13 **OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY**

14 COMES NOW, the Debtors, TOMMY JONES and NANCY JONES, by and through  
15 their attorneys, NARRAH F. NEWARK of NEWARK & NEWARK LAW FIRM, and respect-  
16 fully request this Court to deny the MOTION FOR RELIEF FROM THE AUTOMATIC STAY  
17 filed by WELLS FARGO BANK NATIONAL ASSOCIATION, by and through its attorneys,  
18 GREGORY L. WILDE of WILDE & ASSOCIATES and TIFFANY & BOSCO.

19 **POINTS AND AUTHORITIES**

20 11 USC Section 362 (d) (1) states that the Court may terminate, modify or condition  
21 stay

22 "for cause, including the lack of adequate protection of an  
23 interest in property of such party in interest;---

24 11 USC Section 362 (d) (2) the Court may terminate, modify or condition a stay

25 "with respect to a stay of an act against property under  
subsection (a) of this section, if-

26 (A) the debtor does not have an equity in such  
27 property AND

28 (B) such property is not necessary to an effective  
reorganization

**STATEMENT OF FACTS**

Debtors' property has liens of approximately \$268,879.14 for the property located at 4774 El Canasta Way, Las Vegas, NV 89121, and the home is necessary for an effective reorganization. Debtors believe that they may have minimal equity in the property.

11 USC Section 362 (d) (1) may apply as:

1. Debtors acknowledge that if they are late on the post petition mortgage payments, they will need some time to acquire the necessary funds to cure all post-petition arrearages.

2. Debtors' intention is to stay current on future post-petition mortgage payments.

THEREFORE, Debtors request that the motion filed be denied under 11 USC Section (d) (1) or (2), and that any action on creditor's behalf be stayed for an adequate amount of time to allow Debtors to become current on the post petition mortgage arrearages, if necessary, and/or to Stipulate to an Order Re Adequate Protection.

Respectfully submitted:

NEWARK & NEWARK

By: /s/ NARRAH F. NEWARK  
NARRAH F. NEWARK, ESQ.  
NB#008201  
Attorney for Debtor(s)

**CERTIFICATE OF MAILING OF OPPOSITION TO MOTION  
FOR RELIEF FROM AUTOMATIC STAY**

I hereby certify that on October 29, 2009, I faxed and mailed a true and correct copy by facsimile and by first class mail, postage prepaid, to the below named the OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY:

WF Bank  
c/o Greg Wilde, Esq.  
Wilde & Associates  
208 S. Jones  
Las Vegas, NV 89107  
**VIA FACSIMILE & ECF**

Kathleen Leavitt, Trustee  
201 Las Vegas Blvd., S #200  
Las Vegas, NV 89101  
**VIA ECF**

Tom and Nancy Jones  
4774 El Canasta Way  
Las Vegas, NV 89121

/s/ Betsy L. Smith  
An employee of NEWARK & NEWARK LAW FIRM

Exhibit "B"